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C O N F I D E N T I A L HONG KONG 000163

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DEPT FOR EAP/CM; ALSO FOR DRL

E.O. 12958: DECL: 01/23/2014

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SUBJECT: HKG EXPLAINS BASIS FOR 2012 REFORMS DELAY, PLANS
FOR EVENTUAL CONSULTATION.

REF: (A) HONG KONG 139 (B) HONG KONG 114

Classified By: Consul General Joe Donovan for reasons 1.4 (b) and (d)

¶1. (C) On January 23, Administrative Assistant to the Secretary for Constitutional and Mainland Affairs (CMAB) Joyce Ho reiterated key points made by CE Tsang publicly and to us (reftels) that the public would not want to focus on a controversial issue like constitutional reform during the economic crisis. She recalled the problems the government faced when it introduced the controversial Article 23 national security bill amidst the SARS crisis and an economic downturn as grounds for the government's decision. She rejected the idea that Hong Kong's decision was influenced by the Mainland's concerns either about this year's sensitive "anniversaries" or about having democracy discussed in Hong Kong after Mainland leaders had rejected the "Charter 08" democracy reforms. She pointed out that the promised fourth quarter start date for consultations would be at the same time as China marked the 60th anniversary of the founding of the PRC.

¶2. (C) Ho emphasized several times that the decision to delay consultation on electoral reforms for 2012 would not prevent their implementation in time for the 2012 elections. In order to have time to process operational changes to election procedures, CMAB sees the fourth quarter of 2010 as the "deadline" for LegCo to vote to amend the Basic Law on electing the Chief Executive (CE) (Annex I) and Legislative Council (LegCo) (Annex II). Ho expects that the government would issue its new consultation document sometime after October 2009. The standard timeframe for such a consultation is 90 days. Following the initial consultation, Ho declined to predict whether there would be a second consultation on a paper reflecting aggregate public sentiment or would the government go straight to submitting a formal bill to LegCo. The time frame -- approximately one year -- is more than CMAB had when it submitted the 2005 package, Ho said.

¶3. (C) According to Ho, there is no need for the Hong Kong government to submit anything further to the National People's Congress Standing Committee (NPC/SC) prior to the vote in LegCo on the 2012 arrangements. (Comment: Under the Basic Law, changes to the electoral arrangements for the CE must be approved by the NPC/SC, while changes to the electoral arrangements for LegCo are merely reported for the record. The December 2007 NPC/SC Decision requires that the government submit its planned legislation for electing the CE and LegCo by universal suffrage to the NPC/SC for review prior to those bills' being voted on by LegCo, an extra review step which is not in the Basic Law. The Decision does not explicitly require that legislation on the intermediate steps between the current system and the elections by full universal suffrage be submitted, but we would anticipate Beijing would want to vet the text in some way before it went to LegCo. End comment.)

¶4. (C) Longer term, Ho told us no one in CMAB is considering

either how the 2012 reforms will fit in to a final plan to achieve universal suffrage in 2017/2020, or how the next steps will build on the anticipated proposal for 2012. She held to the official line that this government can and should address only the 2012 electoral arrangements.

DONOVAN